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**VIA ECF**

The Honorable Brian M. Cogan  
United States District Court  
Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, New York 11201

**Re: United States v. Rashid Sultan Rashid Al Malik Alshahhi, et al., 1:21-cr-371 (BMC) (S-1)**

Dear Judge Cogan:

We write on behalf of Mr. Barrack to propose the italicized additions, attached as Exhibit A, to the Court's instruction regarding the definition of "corruptly" for the obstruction of justice charge (Count Three). Exhibit A contains the proposed instruction handed up by Mr. Barrack's counsel during the Charge Conference and reflects the Supreme Court's decision in *United States v. Aguilar*, 515 U.S. 593, 599-601 (1995), and the Second Circuit's decision in *United States v. Schwartz*, 283 F.3d 76, 107-110 (2d. Cir. 2002) as well as *United States v. Reich*, 479 F.3d 179, 186 (2d Cir. 2007), where the Second Circuit held that *Aguilar* and *Schwartz* are controlling in a Section 1512(c)(2) case.

Respectfully Submitted,

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